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EXAMINER

PHAN, JOSEPH T

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/692,850	<b>Applicant(s)</b> ELIAS, ERAN	
	<b>Examiner</b> JOSEPH T. PHAN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/17/2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-30 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-30, and 32-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3-30, and 32-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3-30, and 32-44 rejected under 35 U.S.C. 102(e) as being anticipated by**

**Brown et al., Pub No. US 2003/0112948 A1.**

Regarding claim 1, Brown teaches a user client for a communication device(104 Fig.1), said user client being able to assume a number of different states(page 1 para 0011), said communication device operable to communicate with a remotely located media based network service(100 Fig.1), the user client comprising: a communication module for causing said communication device to communicate information representing a currently assumed one of said states to a remotely located network system(page 3 para 0028, 0031-0033) so as to enable control thereof according to said currently assumed state; wherein the remotely located media based network service comprises a voicemail system(page 5 para 0053 and 0061).

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Regarding claim 3, Brown teaches the user client of claim 1, wherein said remotely located media based network service comprises a video based system(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 4, Brown teaches the user client of claim 2, wherein a plurality of prerecorded greetings are available for interoperation with said user client at said remotely located media based network and wherein control of said remotely located media based network comprises selection of one of said greetings in accordance with the currently assumed state, and said control further comprising causing the selected greeting to be played back as a voicemail reply from said voicemail system to a calling party(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 5, Brown teaches the user client of claim 4, wherein said communication module comprises a data messaging protocol(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 6, Brown teaches the user client of claim 4, further comprising a module for presenting to a user, upon receipt of an incoming call, an ability to select one of said different states instead of answering said call(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 7, Brown teaches the user client of claim 6, wherein said communication module is configurable according to a selected one of said states to communicate said selected state to the voicemail system so as to cause said voicemail to select a greeting corresponding to the selected state(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

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Regarding claim 8, Brown teaches the user client of claim 6, wherein said module is configured such that said communication device is operable to present a plurality of different greetings for user selection therefrom, each state being associated with a different one of said greetings(Fig. 1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 9, Brown teaches the user client of claim 4, wherein said user client is switchable substantially at any time between said states, and wherein said communication module is configured to communicate to said voicemail system an exchange of states so as to enable said voicemail system to select a voicemail greeting according to said current state(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 10, Brown teaches the user client of claim 4, further comprising a user input for allowing a user to define at least one of said states and to associate a different greeting with each of said states(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 11, Brown teaches the user client of claim 10, further comprising a user input for allowing a user to record a greeting for association with one of said states(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 12, Brown teaches the user client of claim 4, wherein one of said states is a real time recording mode enterable upon receipt of a call at said communication device, said user client further comprising a user interface for enabling a user to record in real time a new greeting upon receipt of said call(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 13, Brown teaches the user client of claim 12, wherein said real time recording mode is configured so as to carry out said recording of the new greeting whilst

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delaying forwarding of said call from said communication device to said voicemail system(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 14, Brown teaches the user client of claim 12, wherein said real time recording mode is configured to forward said recorded greeting as at least one voice packet to said voicemail system for playing as said reply(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 15, Brown teaches the user client of claim 14, wherein said communication module is configured to communicate said voicemail greeting, together with control data for said voicemail system, using voice packets(col.8 lines 49-59, col.14 lines 60-67, and col.15 lines 30-42).

Regarding claim 16, Brown teaches the user client of claim 4, further comprising a user interface for allowing a user to select between (1) a menu of predefined voicemail greetings; and (2) recording a new voicemail greeting(106 Fig.4, col.8 lines 49-59, col.14 lines 60-67, and col.15 lines 30-42).

Regarding claim 17, Brown teaches the user client of claim 4, wherein said communication device is a mobile communication device(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 18, Brown teaches a communication device comprising a user client, said user client being operable to configure said communication device into any one of a plurality of states and further to configure said communication device for communication with a remotely located voicemail system so as to apply settings to said voicemail system(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

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Regarding claim 19, Brown teaches the communication device of claim 18, wherein said applying settings comprises selection of a voicemail reply greeting by said remotely located voicemail system in accordance with a current state of said communication device(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 20, Brown teaches the communication device of claim 18, further comprising a data messaging module for communicating with said remotely located voicemail system((Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 21, Brown teaches the communication device of claim 19, further comprising a communication module configured to communicate to said remote voicemail system any change in state at said communication device so as to control said voicemail system to provide a voicemail greeting according to said current state(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 22, Brown teaches the communication device of claim 19, wherein said user client is configured into one of said plurality of states by the user selecting a predefined greeting from a menu of predefined greetings at said communication device((Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 23, Brown teaches the communication device of claim 19, wherein said user client is configured into one of said plurality of states by the user selecting between (1) a menu of predefined greetings and (2) recording of a new greeting(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 24, Brown teaches the communication device of claim 19, wherein one of said states is a real time recording state enterable upon receiving a call from a caller, and

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wherein said real time state permits a user to record a greeting in real time and to send said recorded greeting to said voicemail system for playback as the voicemail greeting to said caller(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 25, Brown teaches the communication device of claim 24, wherein the device is operable to record the greeting in real time whilst delaying forwarding of said call from said communication device to said voicemail system(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 26, Brown teaches the communication device of claim 24, wherein the device is operable to forward said recorded greeting as at least one voice packet, together with control data, to said voicemail system for playback as the voicemail reply(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 27, Brown teaches the communication device of claim 18, wherein the communication device is a mobile communication device(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 28, Brown teaches the communication device of claim 21, wherein said plurality of possible states comprises at least one user definable mode, said user client comprising a user interface for defining of said user definable mode(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 29, Brown teaches the communication device of claim 21, wherein said plurality of possible states comprises at least one user selectable mode, said user client comprising a user interface for user selecting of said mode(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).



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Regarding claim 30, Brown teaches a server-based subscriber service system(Fig.1 comprising: an output unit for outputting selected content, and a content selection unit(Fig.1) associated with said media output unit for using data representing a current state of a called party handset to select said content for output by said output unit(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061); and wherein the selected content is a voicemail greeting(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 32, Brown teaches the server-based subscriber service system of claim 30, further comprising a data communication unit associated with said content selection unit for receiving state data from said called party handset from which to determine said current state(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 33, Brown teaches the server-based subscriber service system of claim 30, wherein said current state is a real time record state, and further comprising a module operable to receive a real time recorded item for immediate output as said selected item(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 34, Brown teaches the server-based subscriber service system of claim 32, wherein said communication unit is operable to receive said state data in at least one of SMS format and USSD format(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 35, Brown teaches the server-based subscriber service system of claim 32, wherein said data communication unit is operable to use the push-to-talk protocol to enable receipt of said content together with said state data(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 36, Brown teaches the server-based subscriber service of claim 32,

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wherein said content is video, and said communication unit is operable to use the Push-to-Show protocol to enable receipt of said video item(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 37, Brown teaches a method of providing remote control to a server-based subscriber service comprising: using a media channel to receive media content for use in said subscriber service, using a data channel to receive data concerning said media content(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061), and using said received data to select, from said received media content, a content item for use in said subscriber service(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 38, Brown teaches the method of claim 37, wherein said received data comprises data received with said media content and data received subsequent to said media content(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 39, Brown teaches a handset and server based greeting system comprising: a user handset(Fig.1), and a server based greeting system located remotely from said handset over a communication network, wherein said server based greeting system comprises: a memory for storing a plurality of greetings associated with a given user handset(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061). and; a selector for selecting one of said greetings as a current greeting for playing to a rejected call forwarded from said handset; and wherein said handset comprises a message communication module for communicating to said server based greeting system an indicator for instructing said selector to select a given greeting as said current greeting(Fig.1, page 3 para 0028, 0031-0033,

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and page 5 para 0053 and 0061).

Regarding claim 40, Brown teaches the handset and server based greeting system of claim 39, wherein said message communication module is further configured to communicate to said server based greeting system an indicator to accept a greeting presently being recorded at said handset as said current message(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 41, Brown teaches a handset and server based greeting system comprising: a user handset(Fig.3), and a server based greeting system located remotely from said handset over a communication network(Fig.2), and wherein said server based greeting system comprises a memory for storing at least one greeting associated with a given user handset(32 Fig.4). and wherein said handset comprises a message communication module for communicating to said server based greeting system:

- 1) a rejection of a current incoming call and
- 2) an indicator for instructing said selector to select a greeting presently being recorded at said handset as said current message, thereby to allow a realtime recorded greeting to be played as a voicemail greeting to said current incoming call(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 42, Brown teaches a user client and server based greeting system(10 Fig.1) comprising: a user client(Fig.1) for a user handset( Fig.1), and said server based greeting system located remotely from said handset over a communication network(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061)?

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wherein said server based greeting system comprises:

a memory for storing a plurality of greetings associated with a given user handset (Fig.1)

and; a selector for selecting one of said greetings as a current greeting for playing to a rejected

call forwarded from said handset; and wherein said user client comprises a message

communication module for communicating to said server based greeting system an indicator for

instructing said selector to select a given greeting as said current greeting(Fig.1, page 3 para

0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 43, Brown teaches the user client and server based greeting system of claim 42, wherein said message communication module is further configured to communicate to said server based greeting system an indicator to accept a greeting presently being recorded at said handset as said current message(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

Regarding claim 44, Brown teaches a user client and server based greeting system comprising: a user client for a user handset(Fig.1), and a server based greeting system located remotely from said handset over a communication network, and wherein said server based greeting system comprises a memory for storing at least one greeting associated with a given user handset and wherein said user client comprises a message communication module(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061); for communicating to said server based greeting system:

1) a rejection of a current incoming call and 2) an indicator for instructing said selector to select a greeting presently being recorded at said handset as said current message, thereby to allow a

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realtime recorded greeting to be played as a voicemail greeting to said current incoming call(Fig.1, page 3 para 0028, 0031-0033, and page 5 para 0053 and 0061).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/  
Examiner, Art Unit 2614